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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/581,109	07/28/2000	ARND WENDLAND	10191/1401	9774

26646 7590 12/04/2002

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EXAMINER

CONTEE, JOY KIMBERLY

ART UNIT PAPER NUMBER

2681

DATE MAILED: 12/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/581,109

Applicant(s)

Wendland

Examiner

Joy Contee

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Sep 18, 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 8-15 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-14 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 9/18/02 have been fully considered but they are not persuasive.

Kung, in view of Wilson is maintained.

Applicant argues that a pager (as in the selective call receiver in Kung) does not usually include an audio speaker. Examiner disagrees. Kung discloses such in col. 6, lines 44-53). Thus Examiner contends that Kung discloses in general the broadcast radio receiver set (i.e., the environment of the instant application.

Further, Applicant argues that Wilson does not provide acoustic operating instructions. Examiner disagrees. Applicant simply claims "operating instructions.....that are able to be at least acoustically displayed via an output device". Wilson provides evidence of instructional messages (i.e., operating instructions that are previously stored and retrieved, through input selection) that are either or both acoustically and visually displayed (col. 4, lines 23-24).

Wilson is combined with Kung to provide the teaching of acoustically displaying operating instructions, which is maintained in the rejection below.

Examiner notes that it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case,

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Wilson is pertinent to the problem at hand, displaying acoustic operating instructions. See rejection below.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8-14 rejected under 35 U.S.C. 103(a) as being unpatentable over Kung U.S. Patent No. 5,182, 553, previously cited, in view of Wilson, U.S. Patent No. 5,850,630.

Regarding claim 8, Kung discloses a broadcast radio receiver set, comprising:

a memory for storing operating instructions that are capable of being retrieved, through input selection, in any desired sections (col. 2, lines 19-49).

Kung does not explicitly disclose operating instructions, that are able to be acoustically displayed via an output device.

However, Wilson is evidence of operating instructions, that are able to be acoustically displayed via an output device (col. 4, lines 13-24).

At the time of the invention it would have been obvious to one of ordinary skill in the art to have modified Kung to include audible operating instructions for the purpose of providing the audible instructions that may be reset.

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Regarding claim 9, which is dependent on claim 8, Kung further discloses the radio receiver set, wherein:

a portion of the operating instructions is retrievable in response to an application of an operating voltage (actuating the "FUNCTION" key) (col. 6, lines 29-57).

Regarding claim 10, which is dependent on claim 8, Kung further discloses the radio receiver set, wherein: the memory corresponds to a non-volatile memory (col. 2, lines 19-59 and col. 3, lines 52-64).

Regarding claim 11, which is dependent on claim 8, Kung further discloses the radio receiver, further comprising:

a transmission devise for receiving one of the operating instructions and at least sections of the operation instructions from a central device (terminal apparatus (20)) (col. 7, lines 25-49).

Regarding claim 12, which is dependent on claim 11, Kung further discloses the radio receiver set, further comprising:

an operational control element for retrieving and outputting one of the sections of the operating instructions, the one of the sections of the operating instructions being adapted to a specific operating state of the receiver ("HELP" key) (col. 5, lines 1 to col. 6, lines 55, see Fig. 2A).

Regarding claim 13, which is dependent on claim 12, Kung further discloses the radio receiver set, wherein:

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the operation control element permits a repeated actuation in order to output other sections of the operation instructions (selection of the "HELP" key permits the user to view instructions on a number of different receiver functions) (col. Fig. 2A, col. 5, lines 1 to col. 6, line 55).

Regarding claim 14, which is dependent on claim 13, Kung further discloses the radio receiver set, further comprising:

a further operation control element, wherein:

the operation control element and the further operation control element enable a section of the operating instructions pertaining to the further operational control element to be output by actuating the operational control element and by actuating the further operating control element (in response to actuating the "HELP" key, and then the "LOCK" key, information typical of the "LOCK" function is displayed) (see Fig. 2A, col. 5, lines 1 to col. 6, line 55).

Thus it would have been obvious from Kung, in view of Wilson, to obtain the invention as described in the claims.

*Allowable Subject Matter*

4. Claim <sup>15</sup>~~8~~ is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: .

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It is not found in prior art in combination with the broadcast radio receiver set wherein operating instructions are acoustically display, the radio receiver set that is configured to be compatible with at least one of radio data system supplementary service and a traffic message channel supplementary service.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CAR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K. Contee whose telephone number is (703) 308-0149, M-F 5:30 a.m. to 2:00 p.m.

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If the examiner can not be reached, the examiner's supervisor Dwayne Bost can be reached on (703)305-4778.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service Office whose telephone number is (703)306-0377

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications intended for entry or informal or draft communications, please label "PROPOSED" or "DRAFT")

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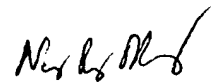
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Joy K. Contee

November 27, 2002

  
NAY MAUNG  
PRIMARY EXAMINER